

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RICHARD E. GORDON, TRUSTEE, SP 2013-SP-112 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in the minimum yard requirements based on error in building location to permit addition to remain 6.5 ft. from side lot line. Located at 6010 Ridge Ford Dr., Burke, 22015, on approx. 9,907 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 78-4 ((8)) 226. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 12, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. In particular, as the Board heard at the public hearing, the noncompliance was done in good faith and through no fault of the property owner as well as the other provisions of that section of the Ordinance.
3. The Board heard that the adjacent homeowner is not in opposition to the setback, and although he did not speak, he was at the hearing and indicated his lack of opposition.
4. The Board has seen the contract predating the permit that does not conform with the outcome of the actual construction.
5. The Board understands that the contractor is now out of business.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;

- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location of the addition as shown on the plat titled, "Plat Showing House Location on Lot 226, Section 2B, Burke Station Square," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated September 21, 2013.
- 2. All applicable permits and final inspections shall be obtained for the addition within 180 days of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Beard was absent from the meeting.

A Copy Teste:



Kathleen A. Knoth
Clerk to the Board of Zoning Appeals